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The time period for reply, if any, is set in the attached communication.

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte PIERRE LUCIEN COTE,
FRANCOIS YACOUB,
and STEVEN KRISTIAN PEDERSEN

Appeal 2008-1954
Application 10/786,042
Technology Center 1700

Decided: April 8, 2008

Before BRADLEY R. GARRIS, THOMAS A. WALTZ, and
ROMULO H. DELMENDO, *Administrative Patent Judges*.

GARRIS, *Administrative Patent Judge*.

DECISION ON APPEAL

Appellants appeal under 35 U.S.C. § 134 from the Examiner's decision rejecting claims 38 and 39. We have jurisdiction under 35 U.S.C. § 6.

We AFFIRM.

Appellants claim a header 100 for a water treatment module comprising a shell 106 having a potting recess 116, a block of resin 162 in the potting recess having hollow fiber membranes 104 potted therein, a resin injection duct 126 having an inlet 130 and an outlet 132 plugged by the block of resin, and a permeate collection cavity 161 between the block of resin and a portion of the inner surface of the shell wherein the hollow fiber membranes have lumens in fluid communication with the permeate collection cavity (claim 38; Figs. 1, 6a-c).

Appealed claims 38 and 39 read as follows:

38. A header for a water treatment module, comprising:

- a) a shell having an outer surface and an inner surface defining at least one potting recess;
- b) a block of resin in the potting recess of the shell, the block of resin having ends of hollow fiber membranes potted therein;
- c) at least one resin injection duct extending between the outer surface of the shell and the potting recess, the at least one resin injection duct having an inlet open to the outer surface and an outlet plugged by the block of resin, wherein the resin injection duct passes through the shell, and wherein the resin injection duct comprises a bore through the shell; and
- d) a permeate collection cavity between the block of resin and a portion of the inner surface of the shell, the hollow fiber membranes having lumens in fluid communication with the permeate collection cavity.

39. A header for a water treatment module, comprising:

- a) a shell having a base, spaced apart sidewalls joined to the base, at least one potting recess between the sidewalls, an inner surface directed towards the potting recess and an outer surface opposite the inner surface;
 - b) a block of resin in the potting recess of the shell and abutting the sidewalls, the block of resin having ends of hollow fiber membranes potted therein;
 - c) at least one resin injection duct extending between the outer surface of the shell and the potting recess, the at least one resin injection duct having an inlet open to the outer surface and an outlet plugged by the block of resin, the injection duct passing through the shell; and
 - d) a permeate collection cavity between the block of resin and a portion of the inner surface of the shell, the hollow fiber membranes having lumens in fluid communication with the permeate collection cavity.

The prior art set forth below is relied upon by the Examiner as evidence of anticipation:

Dannenmaier WO 00/44478 Aug. 3, 2000

Claims 38 and 39 are rejected under 35 U.S.C. § 102(b) as being anticipated by Dannenmaier.¹

We will sustain this rejection for the reasons expressed in the Answer and below.

¹ For unknown reasons, the Examiner cites to U.S. patent 6,951,611 to Dannenmaier as the U.S. equivalent of the applied WO '478 reference to Dannenmaier. This citation to the U.S. patent is unnecessary since the WO '478 reference is in the English language and, more importantly, is harmless since there is no dispute on this record that the disclosures of the patent and WO '478 are the same. In discussing the rejection before us, we (like Appellants) will cite to the WO '478 reference applied in the rejection.

Appellants argue that "[t]he combined structure of Fig. 7 [of Dannenmaier] does not disclose a shell for a header for a water treatment module as recited in claim 38" (App. Br. 5). This argument is unconvincing for the reasons expressed by the Examiner (Ans. 6-8).

Appellants also argue that Dannenmaier teaches cutting the potted fiber ends during construction of the Figure 7 structure and that, as a result, "the remaining injection channel would fail to have an outlet plugged by the block of resin in which the hollow fibers are potted, which is a limitation of claim 38" (App. Br. 9). Again, this argument is not convincing as properly explained by the Examiner (Ans. 9-10). Moreover, we emphasize that Dannenmaier's Figure 7 embodiment necessarily would include a resin blocked outlet for the resin injection duct or channel (as well as a permeate collection cavity), otherwise the Figure 7 device would not be capable of operating in the manner disclosed by Dannenmaier.

With respect to claim 39 specifically, the Appellants additionally argue that, "[i]n Dannenmaier, the potting channels 55 have inlets 53 that are positioned on a surface spaced well away from an [sic, a] permeate collection cavity, rather than on a surface opposite the permeate collection cavity as claimed in claim 39" (App. Br. 9, emphasis added; *see also* Reply Br. 4). However, Appellants do not identify any claim 39 recitation which requires the resin injection duct inlet to be "on a surface opposite the permeate collection cavity" (*id.*), and our independent study of this claim reveals no such recitation. Accordingly, we perceive no convincing merit in

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Appellants' argument because it is directed to a feature not required by the claim under consideration.

For the reasons set forth in the Answer and above, we sustain the § 102 rejection of claims 38 and 39 as being anticipated by Dannenmaier.

The decision of the Examiner is affirmed.

No time period for taking any subsequent action in connection with this appeal may be extended under 37 C.F.R. § 1.136(a)(1)(iv).

AFFIRMED

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